

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kevin Rochon Blaise,

Petitioner,

v.

Charles L. Ryan, et al.,

Respondents.

No. CV-13-001483-PHX-NVW

**ORDER
AND
DENIAL OF CERTIFICATE OF
APPEALABILITY**

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Bridget S. Bade (Doc. 19) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1). The R&R recommends that the Petition be denied. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 49.) No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A party may serve and file objections to the order within 14 days after being served with a copy [of the magistrate’s order]. A party may not assign as error a defect in the order not

1 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.
2 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

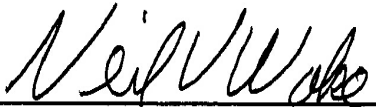
3 Notwithstanding the absence of an objection, the court has reviewed the R&R and
4 finds that it is well taken. The court will accept the R&R and deny the Petition. *See* 28
5 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole
6 or in part, the findings or recommendations made by the magistrate”).

7 IT IS THEREFORE ORDERED that Report and Recommendation of the
8 Magistrate Judge (Doc. 19) is accepted.

9 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
10 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc.
11 1). The Clerk shall terminate this case.

12 Having considered the issuance of a Certificate of Appealability from the order
13 denying Petitioner’s Petition for a Writ of Habeas Corpus, the Court FINDS: Certificate
14 of Appealability and leave to proceed in forma pauperis on appeal are **DENIED** because
15 the dismissal of Grounds One (f) and (g), Grounds Three (b)-(e), Ground Four, and
16 Ground Five is justified by a plain procedural bar and reasonable jurists would not find
17 the procedural ruling debatable, and because Petitioner has not made a substantial
18 showing of the denial of a constitutional right in his remaining claims for relief.

19 Dated this 20th day of October, 2014.

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23 Neil V. Wake
24 United States District Judge
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